DETAILED ACTION

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Claim Rejections - 35 USC § 112

1. Claims 1, 4-5, 6-7, and 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following claims are vague, indefinite, awkwardly and confusingly worded:

b. "having a loop and a heat-fusing fiber, and the fabric has a pile on an upper surface of the cover member and the loop on an inner surface of the cover member, and the loop comprises a female element, and in the base, the heat-fusing fiber is heat-welded together with other heat-fusing fiber and with other fiber wherein " In claim 1. The limtiations of heat fusing fiber and fibers being welded are method step of making the appratus which are not proper in an appratus claim. Apparatus claims protect the structure and not steps of manufacture of the material or device. The claim is indefinite because the limitation do no modify the structure but introduce a method of manufacture.

i.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The below rejections are applied as best understood in view of the 112 rejections.

2. Claims 1 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weihrauch (5779610) in view of woodall jr et al (4404703).

a. Weihrach discloses an apparatus having a tubular core (11 which mentions plastic a liquid impermeable tubular core) fasteners (12), a cover (21&22), and velcro (which has both male and female fasteners see claim 5 , 9, and 19 as well as Summary of the invention) furthermore the velcro will have it male end attached to the tubular and female attached to the cover).

b. Weiharch does not discloses a fabric having a loop and being .3 mm and a female element being 4 mm and/or .5 mm to 2.mm which is within the range of .3 to 4 mm.

c. All of the claimed elements were known in the prior art as shown in Woodall jr et al which discloses an apparatus having fabric which woven and has loops with other piles creating a painting surface on the roller one skilled in the art could combined the element which would have yielded predictable results at the time of invention and In regard to the claim with regard to a male element being .3 mm and a female element being 4 mm and/or .5 mm to 2.mm which is within the range of .3 to 4 mm, It would have been obvious because "a person of ordinary skill has good reason to pursue the known options within his or her

technical grasp. If this leads to anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. It is obvious to attach the Velcro to the roller and then whatever cover desired having each part connected to the other part.

d. In regard to the density of the elements male and female, the range of 30 to 150 per cm squared would have been obvious because the design incentives or market forces provided a reason to make an adaptation, and the invention resulted from application of the prior knowledge in a predictable manner. It is also noted that different densities of velcro patterns are old and well known in the art.

3. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weihrauch (5779610) as applied to claims 1 and 4-7 above, and further in view of Polzin et al (2002/0112810A1).

e. Weihrach discloses except for sprially wound. Polzin et al discloses the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions and the combination would have yielded predictable results to one of ordinary skill in the art at the time of invention. (see figs. 1-4)

f. In regard to the density of the elements male and female, synthetic resin would have been obvious because the design incentives or market forces provided a reason to make an adaptation, and the invention resulted from application of the prior knowledge in a predictable manner. It is also noted that selecting this material would be a matter of simple design choice..

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weihrauch (5779610) as applied to claims 1 and 4-7 above, and further in view of Yamaguchi (2003/0213083A1).

g. Weihrach discloses except for heat fusing fibers. Yamaguchi discloses the heat fusing fibers and heat welding elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions and the combination would have yielded predictable results to one of ordinary skill in the art at the time of invention. (see par.26-80)

Response to Arguments

1. Applicant's arguments filed 7/29/09 have been fully considered but they are not persuasive.

2. The claims have been amended to place them in conditions for allowance.

a. The amended range falls with the range of the previous rejection so that does not read over the art of record. The other limitations introduce method step in an appratus claim so the claim is indefinite. The appratus relie on the construction of the tool and method relies on how the tool is constructed and not the configuration of the tool. You cannot do both in the same claim because then what is the claims an appratus or method claim? Therefore the rejection stands with the art applied as best understood.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MONICA CARTER can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ldw

/LEE D WILSON/
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October 31, 2009